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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,161	12/30/2003	David M. Emerling	04090 (3883.00037)	7808
35374	7590	04/08/2005	EXAMINER	
LEAR CORPORATION, BLISS MCGLYNN, P.C. 2075 WEST BIG BEAVER ROAD SUITE 600 TROY, MI 48084			HEITBRINK, JILL LYNNE	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/749,161

Applicant(s)

EMERLING, DAVID M.

Examiner

Jill L. Heitbrink

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 1-10 in the reply filed on Dec. 27, 2004 is acknowledged. The traversal is on the ground(s) that the invention of group II could only be made by the method of group I. This is not found persuasive because as stated in the reasons for restriction in the last office action the product claimed can be made by another and materially different process such as wherein a core is not moved between the steps of the first and second injection.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Koseki et al. Pat. No. 5,702,810.

4. Koseki discloses the molding of automotive trim door panels (col. 1, line 19) as shown by the steps in Figures 3a-3g. These steps included actuating a core (movable mold 2b) within a mold cavity (stationary mold 2a'), and injecting the first molten thermoplastic material (rigid resin 1, col. 11, lines 41-42) which has a predetermined density (col. 12, lines 26-32) so as to fill the mold cavity thereby forming a structural element (Fig. 3a). Then, the core is retracted within the mold cavity to provide at least one secondary void within the mold cavity or to a second mold cavity (Fig. 3b, col. 11,

lines 49-60). The second molten thermoplastic material (elastomer 3) is injected with a blowing agent (col. 12, lines 33-64) and thus inherently has a density less than the predetermined density of the first molten thermoplastic material. This forms at least one soft-touch area (col. 1, line 18) bonded to and adjacent at least a portion of the structural element. The step of retracting the core including the step of permitting a predetermined lapse of time prior to permitting the structural element to partially cure prior to retracting the retractable core is disclosed at col. 13, lines 16 and 17 of Koseki. The first and second materials having different colors is disclosed by the type of machine used for injection molding being a two-color molding machine (col. 11, lines 39-40 and col. 12, lines 66-67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koseki et al. Pat. No. 5,702,810 taken together with Sanok et al. Pat. No. 4,766,025.


7. Sanok teaches that a vehicle interior panel is conventionally known to comprise an armrest and a bolster either in one piece as disclosed in the invention of Sanok or

piece-by-piece assembly of the panel as described in the background of Sanok. This armrest as shown in Figure 2 of Sanok has sidewalls on the structural elements (rigid substrate 26) and a second material (soft insert 30 and outer skin 24) bonded and adjacent the portion of the sidewall of the armrest. The step of injecting a first thermoplastic material including the step of defining a substrate having a plurality of sidewalls that serve as the structural element for an armrest and the second thermoplastic material bonded to and adjacent to a portion of the sidewalls to define a soft-touch area on the armrest would have been obvious in Koseki since armrest are conventionally part of the door panels and would have been an obvious design shape of the mold cavity and core. The bolster area (18) as shown in Figure 2 of Sanok is known to have a material defining a substrate that serves as the structural element (bolster supporting insert 28 and rigid substrate 26) for a bolster area and a second material (soft insert 30 and outer skin 24) bonded to and adjacent to a portion of the bolster area. The step of injecting a first thermoplastic material including the step of defining a substrate that serves as the structural element for a bolster area and the second thermoplastic material bonded to and adjacent at least a portion of the bolster area would have been obvious in Koseki since a bolster area is conventionally part of the door panels and would have been an obvious design shape of the mold cavity and core.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill L. Heitbrink whose telephone number is (571) 272-1199. The examiner can normally be reached on Monday-Friday 9 am -2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jill L. Heitbrink  
Primary Examiner  
Art Unit 1732

jlh